

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application Number	International Filing Date	Priority Date Claimed
PCT/EP2004/013737	3 Dec 2004	26 Jan 2004
U.S. Serial Number	Applicant(s) for DO/US	
10/584,869	Thomas KOTHE, et al.	
Submitted: 29 Jun 2006		
Title of Invention	Settable Mixture Containing Lime, A Cementitious Composition and a Polymer	
Docket No. COZ-0535		

**Mail Stop PCT****Commissioner For Patents****P.O. Box 1450****Alexandria, VA 22313-1450****Certificate of Express Mailing**

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Paula M. Concoran  
(type or print name of person signing paper)

[Signature]  
(signature of person mailing paper)

April 20, 2007  
(date)

**TRANSMITTAL SHEET**

Enclosed is:

Transmittal Sheet with Certificate of Mailing and Authorization to Charge Deposit Account

Notification of Missing Requirements Under 35 USC 371 in the United States

Designated/Elected Office (DO/EO/US)

Completion of Filing Requirements (4 pages)

Statement By Attorney That Papers Attached to Declaration Are a Copy of Those Filed in

USPTO to Get a Filing Date (2 pages)

Declaration/Power Attorney with Preliminary Amendment Attached

Check in the Amount of \$130.00

Return Receipt Post Card

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

In the event an additional fee is applicable to the filing of this document and the required fee is not enclosed, or the fee submitted is insufficient, the Commissioner is hereby authorized to charge any fees for Docket No. COZ-0535 that might be required to effect the filing of this (these) documents to Account No. 50-3275. This certificate is submitted in duplicate.

Respectfully submitted,

[Signature]

Joseph G. Curatolo, Esq. (Reg. No. 28,837)

Curatolo Sidoti Co., LPA

24500 Center Ridge Road Suite 280

Cleveland, OH 44145

Telephone: 440.808.0011

Facsimile: 440.808.0657

Customer No. 23575

Attorney for Applicants

Date 20 April 2007

**RECEIVED**

UNITED STATES PATENT AND TRADEMARK OFFICE

**CURATOLO SIDOTI**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/584,869	Thomas Kothe	COZ-0535

INTERNATIONAL APPLICATION NO.	
PCT/EP04/13737	
I.A. FILING DATE	PRIORITY DATE
12/03/2004	01/26/2004

23575  
 CURATOLO SIDOTI CO., LPA  
 24500 CENTER RIDGE ROAD, SUITE 280  
 CLEVELAND, OH 44145

**CONFIRMATION NO. 7938****371 FORMALITIES LETTER**

\*OC000000023319645\*

Date Mailed: 04/11/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/29/2006
- Copy of the International Search Report filed on 06/29/2006
- Preliminary Amendments filed on 06/29/2006
- Information Disclosure Statements filed on 06/29/2006
- Oath or Declaration filed on 06/29/2006
- Request for Immediate Examination filed on 06/29/2006
- U.S. Basic National Fees filed on 06/29/2006
- Specification filed on 06/29/2006
- Claims filed on 06/29/2006
- Abstracts filed on 06/29/2006
- Drawings filed on 06/29/2006

Reviewed by JGC/SAS  
 FlexTrac JB  
 Docket LF  
 File to Ally.

4-13-07  
 4-13-07  
 LKF 4-17-07  
 JGC/JB

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/584,869	PCT/EP04/13737	COZ-0535

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

International Application Number	International Filing Date	Priority Date Claimed
PCT/EP2004/013737	03 Dec 2004	26 Jan 2004
U.S. Serial Number	Applicant(s) for DO/US	
10/584,869	Thomas KOTHE, et al.	
Submitted: 29 June 2006		
Title of Invention:	Settable Mixture Containing Lime, A Cementitious Composition and a Polymer	
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Paula M. Concoran  
(type or print name of person signing paper)

[Signature]  
(signature of person mailing paper)

April 20, 2007  
(date)

**COMPLETION OF FILING REQUIREMENTS**  
**FOR INTERNATIONAL APPLICATION ENTERING NATIONAL**  
**STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 USC §371**

- I. This replies to the Notification of Missing Requirements Under 35 USC 371 (Form PCT/DO/EO/905) in the United States Designated/Elected Office (DO/EO/US) mailed [ ].

- ☒ A copy of the Notification of Missing Requirements under 35 USC §371 and 37 CFR 1.494 in the United States Designated/Elected Office is enclosed (Form PCT/DO/EO/905).

**DECLARATION OR OATH**

- II. (a) ☒ No executed original declaration or oath was filed. Enclosed is the original executed declaration or oath for this application.

**OR**

- (b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the USPTO is the application which the inventor executed by signing the declaration.
- (d) ☒ Statement that the "attached" paper is a copy of the amendment that was filed in the USPTO with the specification to obtain the filing date.

#### AMENDMENT

- III. ☐ An amendment in accordance with 37 CFR §1.121 is attached.
- ☐ The attached amendment

#### TRANSMITTAL OF ENGLISH TRANSLATION OR NON-ENGLISH LANGUAGE PAPERS

- IV. ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the USPTO.

#### SMALL ENTITY STATUS

- V. Applicant is
- [ ] a small entity  
verified statement:
- [ ] enclosed
- [ ] already filed in application
- [X] other than a small entity

#### COMPLETION FEES

- VI.
1. Filing Fee
- ☐ original patent application (37 CFR 1.16(a)- \$790; Small entity - \$395) \$ 0.00
- ☐ Design application (37 CFR 1.16(f) \$330; small entity - \$165) \$ 0.00

2. Fees for claims

- ☐ each independent claim in excess of 3  
(38 CFR 1.16(b)-\$82; small entity -\$41) \$ 0.00
- ☐ each claim in excess of 20 (37 CFR 1.16(c)-\$22;  
small entity-\$11) \$ 0.00
- ☐ multiple dependent claim(s) (37 CFR 1.16(d) - \$270;  
small entity- \$135) \$ 0.00

3. Surcharge Fees

- ☐ late payment of filing fee  
and/or
- ☒ late filing of original declaration or oath (37 CFR 1.16(e) - \$130;  
small entity - \$65); \$ 130.00

4. ☐ Petition and fee for filing by other than all the inventors or person not the  
inventor (37 CFR 1.17(h) and 1.47 - \$130) \$ 0.00

5. ☐ Fee for processing an application filed with a specification in a non-  
English language (37 CFR 1.17(k) and 1.52(d)-\$130) \$ 0.00

6. ☐ Fee for processing and retention of application (37 CFR 1.21(l) and  
1.53(d)-\$300) \$ 0.00

Total completion fees \$ 130.00

**EXTENSION OF TIME**

VII.

The proceedings herein are for a patent application and the provisions of 37 CFR  
1.136(a) apply.

04/24/2007 GPC KEY 00000089 10584869

01 FC:1617

130.00 OP

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out  
in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Extension months</u>	<u>Fee for other than small entity</u>	<u>For small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$ 1,080.00

Extension Fee \$ 0.00

If an additional extension of time is required please consider this a petition therefor.

Based on the extension requested in this petition, the extended period for response will expire on \_\_\_\_\_.

or

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

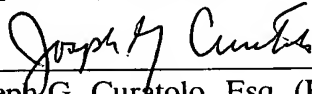
6. Fee Payment

Attached is a check in the amount of \$ 130.00

7. Fee deficiency

☒ If any additional extension and/or fee is required for this case COZ-0535, charge Deposit Account No. 50-3275. A duplicate of this transmittal is attached.

Respectfully submitted,



Joseph G. Curatolo, Esq. (Reg. No. 28,837)  
Curatolo Sidoti Co., LPA  
24500 Center Ridge Road, Suite 280  
Cleveland, OH 44145  
Telephone: 440.808.0011  
Customer No. 23575  
Attorney for Applicants

20 April 2007

Date

**PATENT**

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*Diana M. Corcoran*  
(type or print name of person signing paper)

*Diana M. Corcoran*  
(signature of person mailing paper)

*April 20, 2007*  
(date)

**STATEMENT BY ATTORNEY THAT PAPERS ATTACHED TO DECLARATION  
ARE A COPY OF THOSE FILED IN USPTO TO GET A FILING DATE**

I, Joseph G. Curatolo  
Curatolo Sidoti Co., LPA  
24500 Center Ridge Road, Suite 280  
Cleveland, Ohio 44145

Reg. No. 28,837  
Phone No. 440.808.0011

state I am the attorney for this application and that I have reviewed the

6 pages of preliminary amendment

as shown in my files to be papers I filed in respect to the above-identified application and have compared them to the papers attached to the declaration(s) of


Thomas Kothe  
Max Oppliger

for Settable Mixture Containing Lime, A Cementitious Composition and a Polymer

that accompany this statement, and I declare that these papers attached to the declaration(s) are a copy of the specification as filed and any amendment thereto that I filed in the USPTO in order to obtain a filing date for this application by:

- ☐ depositing by hand at the USPTO
- ☐ mailing to the USPTO
- ☒ mailing to the USPTO by Express Mail bearing Mailing Label Number EV759159136US on 06/29/2006.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph G. Curatolo, Esq. (Reg. No. 28,837)

Date 20 April 2007